

## **REMARKS**

Applicants have carefully reviewed the Final Office Action mailed on November 22, 2006. Applicants respectfully traverse all objections, rejections, and assertions made by the Examiner. With this amendment, claims 1 and 37 are amended. Claims 38-48 are newly presented. No new matter is added. Please cancel claims 4 and 8-19 without prejudice as these claims now correspond to newly added claims 38-50. Of the newly added claims 38-50, claims 44 and 49 are withdrawn from consideration. Claims 1-3, 7 and 37-43, 45-48, and 50 remain pending.

### **Election/Restrictions**

The Examiner indicated that claims 4, 8-13, 15-17, and 19, which were previously withdrawn from consideration, will remain withdrawn. However, the Examiner suggested that claims of similar scope be newly added. Accordingly, Applicants have newly presented claims 38-50. Claim 38 is a renumbered version of claim 4. Claim 38 reads on the elected species/subspecies and bears the status indicator "new". Claims 39-50 are renumbered versions of claims 8-19. Of claims 39-50, claims 39-43, 45-48, and 50 read on the elected species/subspecies and bear the status indicator "new". Claims 44 and 49, which correspond to claims 14 and 18, and which are directed to a non-elected species/subspecies, bear the status indicator "withdrawn". Upon allowance of generic claim 39, Applicants will be entitled to consideration of claims (i.e., claims 44 and 49) to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141.

In light of these additions and changes, please cancel claims 4 and 8-19 without prejudice.

### **Claims Rejection under 35 U.S.C. § 102**

Claims 1-3 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith in U.S. Patent No. 6,235,026. The Examiner indicated that claim language recited that the snare loop is disposed *adjacent* to the distal end region of the sheath is overbroad and, consequently, the cited art anticipates the claimed invention. We respectfully disagree. None-the-less, claims

1 and 37 are amended to recite that the snare loop is disposed at the distal end region of the sheath. This amendment distinguishes the claimed invention from Smith and places claims 1 and 37 in condition for allowance. Because claims 2-3 depend from claim 1, they are also allowable based on the amendment to claim 1 and because they add significant elements to distinguish them further from the art.

### **Claims Rejection under 35 U.S.C. § 103**

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Fleury, Jr. in U.S. Patent No. 4,326,530. As indicated above, amended claim 1 is believed to be distinguishable over Smith. Fleury, Jr. fails to overcome this deficiency. Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the combination of Smith and Fleury, Jr. Because claim 7 depends from allowable claim 1, it is also patentable based on the amendment to claim 1 and because it adds significant elements to distinguish it further from the art.

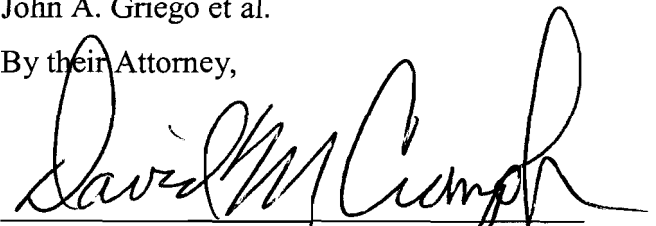
### **Conclusion**

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By their Attorney,



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